UNITED STATES PATENT AND TRADEMARK OFFICE

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10/828,998	04/21/2004	Shmuel Shaffer	062891.1250	5499

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BAKER BOTTS L.L.P.	NGUYEN, KHAI N
2001 ROSS AVENUE	

ART UNIT	PAPER NUMBER
2614	

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com

	Application No.	Applicant(s)
Office Action Summary	10/828,998	SHAFFER ET AL.
	Examiner	Art Unit	
	KHAI N. NGUYEN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/30/2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on October 30, 2008 has been entered. Claims **21**-

30 have been emended. No claims have been canceled. No claims have been added.

Claims 1-32 are still pending in this application, with claims **1**, **11**, **21, 31,** and **32** being

independent.

Claim Rejections - 35 USC § 102

2.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

3.   Claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32 are rejected under 35 U.S.C. 102(e)

as being anticipated by Bushnell et al. (U.S. Publication Number 2005/0113077

hereinafter "Bushnell').

       Regarding claims 1 and 11, Bushnell teaches a system and a method for

enhanced call pickup (Figs. 1-4), the method and the system comprising one or more

processing units collectively operable to:

       access data indicating a current status of each of one or more users in a call

pickup group (CPG) (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Fig. 3) with

respect to an incoming phone call to a phone number corresponding to the CPG (Figs.

2-3, paragraph [0021]); and

communicate the status of each of the users in the CPG to one or more

endpoints of one or more users in the CPG for display to the users in the CPG (Figs. 2,-

3, paragraph [0023], lines 1-6, i.e., user is advised about status and availability of a

colleague with instant messaging service), displaying the data to a first user in the CPG

for the first user to determine a current status of each of one or more second users in

the CPG to facilitate a decision by the first user regarding whether to pick up the

incoming phone call (Figs. 1-3, 131-132, 142, 156-157, paragraph [0023], lines 1-11,

i.e., displaying instant message on devices such as VoIP Clients, multimedia clients),

whereby the endpoints can be identified by their respective Internet Protocol (IP)

addresses and the endpoints can communicate using a voice over IP (VoIP) (Fig. 2, 105

IP Network, 142 IP Telephone, paragraph [0017], and paragraph [0023]).

Regarding claims 2 and 12, Bushnell teaches the system and the method,

wherein data indicating a current status of a user in the CPG (Fig. 2, , 132, 142, 156,

157, Pick Up Group, Figs. 3-4) with respect to the incoming phone call comprises one or

more of: data identifying the user (Fig. 4, 406 User Identification (UI), paragraph [0030]);

data indicating a current availability of the user; data indicating a current presence

status of the user; data indicating a current call status of the user (Fig. 4, 402 User

Status (US), paragraph [0028]); data indicating a bandwidth limitation preventing

transfer of the incoming phone call to the user; data indicating a preference of the user

with respect to picking up the incoming phone call; and data indicating whether the user

intends to pick up the incoming phone call (Figs. 2-4, paragraphs [0037]-[0039]).

Regarding claims 4 and 14, Bushnell teaches the system and the method,

wherein the one or more processing units are collectively operable to automatically and

without user input access and communicate the data in response to the incoming phone

call (Figs. 2-4, paragraph [0017]).

Regarding claims 5 and 15, Bushnell teaches the system and the method,

wherein the one or more processing units are collectively operable to access the data

and communicate the data to a particular user in the CPG (Fig. 2, 131, 132, 142, 156,

157, Pick Up Group, Figs. 3-4) in response to a request for the data from the particular

user (Figs. 2-4, paragraph [0017], and paragraphs [0023]-[0024]).

Regarding claims 6 and 16, Bushnell teaches the system and the method,

wherein the one or more processing units are collectively operable to:

receive input from the first user in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick

Up Group, Figs. 3-4) comprising one or more of:

a first indication of a preference of the first user with respect to picking up the

incoming phone call (Fig. 4, steps 307-310, paragraph [0043], i.e., forward an alert to

members of the Call Pick Up Group "first indication"); and

a second indication of whether the first user intends to pick up the incoming

phone call (Fig. 4, step 311' paragraph [0044], i.e., dialing a special code or click Pickup

icon on IP phone to pick up incoming call "second indication"); and

communicate the input from the first user to one or more endpoints of one or

more second users in the CPG for display to one or more second users in the CPG (Fig.

2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4), a display of the input from the

first user facilitating a second user determining a current status of the first user to

facilitate a decision by the second user regarding whether to pick up the incoming

phone call (Figs. 2-4, paragraphs [0043]-[0044], i.e., forward an alert to all members in

CPG by Private Branch Exchange 104 to enterprise communication network 1 and the

cellular communication network 2).

Regarding claims 8 and 18, Bushnell teaches the system and the method further

comprising the one or more endpoints of the one or more users in the CPG (Fig. 2, 131,

132, 142, 156, 157, Pick Up Group, Figs. 3-4), each of the endpoints being operable to

receive the data from the one or more processing units and display the data to a user in

the CPG (Fig. 2, 101 MSC, 102 PSTN, 105 IP Network (endpoint 1) with 142 IP

Telephone (second user 1), Cell Site 112 (endpoint 2) with 132 Cell Phone (second

user 2), paragraphs [0021]-[0023]).

Regarding claim 32, Bushnell teaches a system for enhanced call pickup (Figs.

2-4), the system comprising:

means for access data indicating a current status of each of one or more users in

a call pickup group (CPG) (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Fig. 3) with

respect to an incoming phone call to a phone number corresponding to the CPG (Figs.

2-3, paragraph [0021]); and

means for communicate the status of each of the users in the CPG to one or

more endpoints of one or more users in the CPG for display to the users in the CPG

(Figs. 2,-3, paragraph [0023], lines 1-6, i.e., user is advised about status and availability

of a colleague with instant messaging service), displaying the data to a first user in the

CPG for the first user to determine a current status of each of one or more second users

in the CPG to facilitate a decision by the first user regarding whether to pick up the

incoming phone call (Figs. 1-3, 131-132, 142, 156-157, paragraph [0023], lines 1-11,

i.e., displaying instant message on devices such as VoIP Clients, multimedia clients),

whereby the endpoints can be identified by their respective Internet Protocol (IP)

addresses and the endpoints can communicate using a voice over IP (VoIP) (Fig. 2, 105

IP Network, 142 IP Telephone, paragraph [0017], and paragraph [0023]).

Claim Rejections - 35 USC § 103

4.   Claims 7, 9-10, 17, and 19-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bushnell et al. (U.S. Publication Number 2005/0113077 hereinafter

"Bushnell') in view of McMurry et al. (U.S. Publication 2004/0086102, hereinafter

"McMurry").

Regarding claims 7, 9-10, 17, and 19-20, Bushnell discloses everything claimed

as applied above (see claims 1 and 11). However, Bushnell does not specifically

disclose the Session Initiation Protocol (SIP) for call processing, user communication by

using a graphical user interface (GUI) and a button, and the use of pregenerated

messages to communicate the user call status. Although Bushnell teaches the IP

network for VoIP (Fig. 2, 105 IP Network, 142 IP Telephone, paragraph [0017], and

paragraph [0023]), the display of instant messaging service for communication devices

(Figs. 1-3, 131-132, 142, 156-157, paragraph [0023], lines 1-11, i.e., displaying instant

message on devices such as VoIP Clients, multimedia clients).

In the same field of endeavor, McMurry teaches the systems and methods for

implementing call pickup using SIP for call processing (McMurry – Fig. 1 – 155-1 to 155-

N SIP Devices, Figs. 3A-B, paragraphs [0012], [0032] – [0034]), user communication by

using a GUI and a button (McMurry – paragraph [0038], i.e., a mouse, and paragraph

[0051] lines 11-14, i.e., preprogrammed a button), and the use of pregenerated

messages to communicate the user call status (McMurry – paragraph [0059] lines 4-7).

It would have been obvious to a person of ordinary in the art at the time of the

invention was made to apply a known technique to a known device (i.e., using SIP, GUI

and a button, and pregenerated message for call pickup group in a communication

network) ready for improvement to yield predictable results (see KSR – MPEP 2143).

Therefore, it would have been obvious to a person of ordinary in the art to incorporate

the use of SIP, GUI and a button, and pregenerated message, as taught by McMurry,

into the method and system of Bushnell in order to enhance the call pickup group

services in a communication network.

Regarding claims 21-30, Bushnell discloses everything claimed as applied above
(see claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32). However, Bushnell does not
specifically disclose the invention logic is readily implement-able as the computer
executable instruction in one or more computer-readable medium.

Again, McMurry teaches the systems and methods for implementing call pickup
using SIP for call processing (McMurry – Fig. 1, 155-1 to 155-N SIP Devices, Figs. 3A-
B, paragraphs [0012], [0032] – [0034], and Exemplary Processing paragraphs [0041] –
[0064]). The advantage of McMurry's invention is the logic can be implemented with
executing software instructions contained in a computer-readable medium (McMurry –
paragraph [0040] lines 1-5, i.e., memory devices, computer-readable medium, etc.).
Additionally, the software instructions can be combined with hardware to implement the
invention (McMurry - paragraph [0040] lines 6-11).

Therefore, it would have been obvious to person of ordinary skill in the art at the
time the invention was made to provide Bushnell with an article, comprising: one or
more computer-readable signal-bearing media to implement the method, or process
steps for call pickup services.

Regarding claim 31, Bushnell discloses everything claimed as applied above
(see claims 1-2, 4-6, 11-12, 14-16, 18, and 32). However, Bushnell does not
specifically disclose the Session Initiation Protocol (SIP) for call processing. Although
Bushnell teaches the IP network for VoIP (Fig. 2, 105 IP Network, 142 IP Telephone,
paragraph [0017]).

However, in the same field of endeavor, McMurry teaches the systems and

methods to implement call pickup group for VoIP using SIP for call processing in an IP-

based network that is the endpoints can be identified by their respective IP addresses

and the endpoints can communicate using a voice over IP protocol (VoIP) (McMurry -

Fig. 1, 105 Data Network, 155-1 to 155-N SIP Devices, Figs. 3A-3B, paragraph [0006],

and paragraphs [0012], [0032] – [0034], i.e., SIP is the IP-based network using IP

addresses for identification and communication for VoIP as described in Internet

Engineering Task Force (IETF) Request For Comments (RFC)-2543 (IETF, RFC-2543

Session Initiation Protocol (SIP), and its successors RFC-3261 et al.). The advantage of

McMurry's invention is the implementation of new services processing architectures and

protocols (e.g. SIP) for the Internet and other data networks together with the traditional

circuit switch networks (e.g., PSTN) (McMurry – Fig. 1, 105 DATA NETWORK, 110

TELEPHONE NETWORK, paragraphs [0006]-[0007]).

It would have been obvious to a person of ordinary in the art at the time of the

invention was made to apply a known technique to a known device (i.e., using SIP, IP

addresses and IP devices for call pickup group in a communication network) ready for

improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would

have been obvious to a person of ordinary in the art to incorporate the use of SIP

protocol with IP addresses for call processing to support VoIP, as taught by McMurry,

into the method and system of Bushnell in order to enhance the call pickup group

services in a communication network.

5.   Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bushnell in view of Ardon (U.S. Patent Number 5,371,781).

        Regarding claims 3 and 13, Bushnell discloses everything claimed as applied

above (see claims 1 and 11) but a hunt group. Although a hunt group feature is old and

well known in the art, however, Bushnell does not specifically disclose the CPG

comprises a hunt group.

        In the same field of endeavor, Ardon teaches the system and the method,

wherein the CPG comprises a hunt group (col. 6 lines 6-9, i.e., "Hunt group" services).

        It would have been obvious to a person of ordinary in the art at the time of the

invention was made to apply a known technique to a known device (i.e., using SIP, IP

addresses and IP devices for call pickup group in a communication network) ready for

improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would

have been obvious to a person of ordinary in the art to incorporate the use of a hunt

group in a CPG, as taught by Ardon, into the method and system of Bushnell in order to

enhance the call pickup group services in a communication network.

                            Response to Arguments

6.   Applicant's arguments filed October 30, 2008 have been fully considered but they

are not persuasive.

Regarding claim 11, Applicants argue that Bushnell discloses "- - - obtain[s] user

location data from the Presence Server - - -", and obtaining the location data "- - - does

not disclose "accessing data indicating a current status of each of one or more users in

a call pick up group" (See Applicants' Remarks page 12 lines 21-25).

The Examiner respectfully disagrees, as Applicants' Remarks concedes that

"obtain[s] user location data from the Presence Server - - -", Bushnell discloses the

Presence Server also provided the user current status data (e.g., the user is presently

being served by the cellular network) and the status data is updated on a periodic or

demand basic (See Bushnell – Fig. 2, 109 Presence Server, paragraph [0020] lines 18-

23), enable user and network elements to know the status and availability of another

user (See Bushnell – paragraph [0023] lines 1-4), and the suite of presence information

includes status of user device, availability of the user, and location of the user (See

Bushnell – paragraph [0024] lines 1-3). Bushnell also discloses the Presence Server

includes a plurality of elements such as Presence and Availability Management (PAM),

User Status (US), User Location (UL), User Identification (UI) (See Bushnell – Fig. 4,

401 PAM, 402 US, 403, UL, 406 UI, paragraph [0037]). Therefore, Bushnell clearly

discloses the data indicating a current status of each of one or more users in a call pick

up group.

Applicants also argue that Bushnell disclose the status of the user only received

as an alert instead of "- - - the status - - - is communicated - - - for display to users" (See

Applicants Remarks page 12 line 29 through page 13 line 1).

The Examiner respectfully disagrees. Bushnell discloses the status of the user with the Presence Enabled Call Pick Up wherein the notification can be delivered via distinctive ringing patterns, special tones or <u>instant messages</u> for display to users (See Bushnell - paragraphs [0038]-[0039]). Therefore, Bushnell clearly discloses the status is being communicated for display to users in a call pick up group.

Therefor, the rejection of the claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32 as being anticipated by Bushnell is proper and maintainable.

For the same reasons set forth above, the rejections of claims 7, 9-10, 17, 19-31 as being unpatentable over Bushnell in view of McMurry, and claims 3 and 13 as being unpatentable over Bushnell in view of Ardon are proper and maintainable.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI N. NGUYEN whose telephone number is (571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./
Examiner, Art Unit 2614
12/31/2008

/Rasha S AL-Aubaidi/
Primary Examiner, Art Unit 2614